

3.4.5 Coastal Zone NPS Management Program

Section 6217 of the Coastal NPS Control Program, CZARA

<http://coastalmanagement.noaa.gov/about/czma.html#section6217>

requires all applicable states and territories to develop Coastal Nonpoint Pollution Control Programs (CNPCP) to reduce impact from polluted runoff on coastal waters. CZARA is jointly administered by the National Oceanic and Atmospheric Administration (NOAA) and the EPA. EPA and NOAA must approve a state's nonpoint pollution control program. If the federal agencies do not approve a state's CNPCP program, federal funding for DLCD's coastal management program and DEQ's NPS pollution control programs are reduced. Oregon's CNPCP program has not yet received full approval by NOAA and EPA. If EPA 319 funding reductions occur, it will make it difficult to implement Oregon's NPS Management Plan measures.

CZARA requires states with approved coastal management programs to implement a set of 56 management measures that reduce NPS pollution. The measures are designed to control runoff from six main sources: forestry, agriculture, urban areas, marinas, hydromodification (such as dams or shoreline and stream channel modification), and wetlands and vegetated shorelines, or riparian areas. Where there is information to indicate that these 56 management measures are not sufficient to attain water quality standards, or protect critical coastal waters, states are required to develop and implement additional management measures.

According to NOAA and EPA, a state's program is expected to build on existing coastal zone management and water quality programs by applying a consistent set of economically achievable management measures to prevent and mitigate polluted runoff. To obtain approval, a state must describe how it will implement 56 NPS pollution controls management measures that conform to those described in Guidance Specifying Management Measures for Sources of Nonpoint Pollution in Coastal Waters ((g) Guidance) <http://water.epa.gov/polwaste/nps/czara/index.cfm>.

Oregon's CNPCP was developed by DEQ and the Department of Land and Conservation (DLCD) in partnership with several other state agencies. Oregon's CNPCP boundary includes roughly all lands west of the crest of the Coast Range and the entire Rogue and Umpqua River watersheds. At the north end, the area extends up the Columbia River to Puget Island, near the Clatsop-Columbia County line.

CZARA requires Oregon's program to describe the programs and enforceable policies and mechanisms the state will use to implement management measures. Oregon DEQ, in conjunction with the ODF and ODA, has broad authority to prevent and control water pollution from nonpoint sources within the state. Together, these agencies have the statutory authority to prevent NPS pollution, to adopt additional rules to require implementation of measures as necessary to control discharges from nonpoint sources, to enforce prohibitions on NPS discharges, and to require restoration, as necessary.

Oregon submitted elements of its plan for approval to NOAA and EPA in 1995. On January 13, 1998, the federal agencies approved the Oregon Coastal Nonpoint Program subject to specific conditions that the state still needed to address (see "Oregon Conditional Approval Findings") at <http://coastalmanagement.noaa.gov/nonpoint/docs/findor.txt>

Since 1998, Oregon has received interim approval on all but two of the (g) Guidance management measures and its strategies for meeting other required elements of the program. The state is also being required by EPA and NOAA to adopt and implement additional management measures for forestry due to the number of 303(d) listed stream segments and the presence of endangered salmon and steelhead species within the CNPCP management area.

On December 20, 2013, NOAA and EPA issued a notice of public comment in the Federal Register. *Federal Registrar Docket: Proposed Disapproval Findings of Oregon's Coastal Nonpoint Program* <http://coastalmanagement.noaa.gov/nonpoint/oregonDocket/OR%20CZARA%20Decision%20Doc%202012-20-13.pdf> NOAA and EPA state that "the document contains the bases for the proposed determination by the NOAA and the EPA that the State of Oregon (State) has failed to submit an approvable Coastal Nonpoint Pollution Control Program (Coastal Nonpoint Program) as required by Section 6217(a) of the Coastal Zone Act Reauthorization Amendments of 1990 (CZARA), 16 U.S.C. 1455b. NOAA and EPA arrive at this proposed decision because the

federal agencies find that the State has not fully satisfied all conditions placed on the State's Coastal Nonpoint Program."

EPA and NOAA identified the following outstanding issues in need of resolution prior to full program approval. :

- Management Measures for Urban Areas, Urban Runoff: Operating Onsite Disposal Systems Management
- Management Measures for Urban Areas, Urban Runoff: New Development
- Additional Management Measure, Forestry
 - Protect medium, small, and non-fish bearing streams;
 - Protect high-risk landslide areas;
 - Effectively address the impacts of road operation and maintenance, particularly legacy roads; and
 - Ensure the adequacy of stream buffers for the application of certain chemicals.

Oregon is addressing the three remaining management measures in the following ways in order to gain program approval:

- Management Measures for Urban Areas, Urban Runoff: Operating Onsite Disposal Systems Management.
 - Oregon will address onsite septic system issues through an at-time-of- transfer inspection for septic systems to ensure systems are inspected when a property in the CNPCP management area changes hands.
- Management Measures for Urban Areas, Urban Runoff: New Development.
 - DEQ will issue a "Guidance to Urban and Rural Residential DMAS for Including Post-Construction Elements in TMDL Implementation Plans".
 - DEQ and DLCD will train local governments and other stakeholders about the guidance and help them develop effective stormwater management plans.
- Additional Forestry Measures Addressing Medium, Small And Non-Fish Bearing Streams, High-Risk Landslide Areas, The Impacts Of Road Operation And Maintenance, Particularly Legacy Roads.
 - On July 1, 2013, Oregon submitted its plan to address the additional forestry measures. The state's submittal included a description of Oregon's regulatory and policy framework for managing private forestlands to ensure protection of water quality and associated beneficial uses.
 - This framework involves a comprehensive, science-based program of regulatory and voluntary measures that includes periodic evaluation and course correction to ensure environmental outcomes can be achieved.
 - Ongoing investment in monitoring to update the *Sufficiency Analysis: A Statewide Evaluation of Forest Practices Act Effectiveness in Protecting Water Quality* by: Oregon Department of Forestry and Oregon Department of Environmental Quality, October 2002 <http://www.deq.state.or.us/wq/nonpoint/docs/suffanalysis.pdf> to determine the effectiveness of rules, with a commitment to making adjustments as necessary to meet standards.
 - Oregon and other partners have invested in long-term evaluations of water quality in several paired watershed studies including streams where fish are not present.
 - Enhancement of landslide protections, with rules that require leave trees along slide-prone streams, to slow downstream movement and add large wood to streams.
 - Forestland owners must also avoid locating roads, must not build skid roads, and must prevent deep or extensive ground disturbance during log felling and yarding in high-risk landslide areas.
 - Oregon's Environmental Quality Commission and Board of Forestry work closely together to achieve compliance with water quality standards on forestlands.
 - Current Board of Forestry consideration of additional riparian protections for small- and medium-sized streams where fish are present based on recent scientific findings. New rules adopted in 2002-03 addressing forest roads, including avoiding road construction in critical locations, limiting road use in wet weather, and requiring drainage systems that direct runoff away from streams.
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- Older roads are addressed through voluntary measures (more than \$93 million in landowner investment), and Forest Practices Act restrictions on delivering sediment to streams still apply.
- In addition, key to Oregon's framework is a strong land-use system that seeks to conserve working forestlands.